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City Council

Legislative Bulletin

An Official Publication of the Hilliard City Council

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ORDINANCE

The following ordinance was passed by Hilliard City Council on September 14, 2020.

20-21 AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$8,600,000 OF BONDS FOR THE PURPOSES OF CURRENTLY REFUNDING (I) A PORTION OF BONDS ISSUED IN 2011 FOR THE PURPOSE OF CONSTRUCTING VARIOUS CAPITAL IMPROVEMENTS; AND (II) NOTES ISSUED IN 2020 FOR THE PURPOSE OF DESIGNING, ENGINEERING, CONSTRUCTING AND RECONSTRUCTING VARIOUS ROAD IMPROVEMENTS, WITH RELATED SITE IMPROVEMENTS AND APPURTENANCES THERETO; APPROVING RELATED MATTERS IN CONNECTION WITH THE ISSUANCE OF THE BONDS; AND DECLARING AN EMERGENCY

WHEREAS, the City Council (the "Council") of the City of Hilliard, Ohio (the "City") has issued bonds dated May 5, 2011, in the amount of \$8,020,000 (the "Outstanding Bonds") for the purpose described in the title of this Ordinance, of which \$4,710,000 in aggregate principal amount remains outstanding; and

WHEREAS, the Council of the City has issued notes dated April 30, 2020, in the amount of \$3,839,000 (the "Outstanding Notes") for the purpose described in the title of this Ordinance and in anticipation of the issuance of the bonds herein described, which Outstanding Notes will mature October 30, 2020; and

WHEREAS, in view of currently prevailing lower interest rates, this Council has determined that it is advisable and in the best interest of the City to issue refunding bonds of the City to currently refund certain maturities of the Outstanding Bonds (the "Refunded Bonds"), and to retire the Outstanding Notes with the bonds herein described; and

WHEREAS, the Director of Finance of the City (the "Director of Finance") has certified to this Council that the maximum maturity of the bonds herein authorized cannot exceed the maximum maturity of the Refunded Bonds, with respect to those bonds allocated toward refunding the Refunded Bonds; and

WHEREAS, the Director of Finance of the City has certified to this Council that the estimated life of the improvements stated in the title of this Ordinance with respect to the Outstanding Notes which is to be financed with the proceeds of bonds hereinafter referred to exceeds five years, the maximum maturity of bonds being 20 years; and

WHEREAS, it is now deemed necessary to issue and sell not to exceed \$8,600,000 of such bonds under authority of the general laws of the State of Ohio, including Ohio Revised Code Chapter 133, for the purpose stated in the title of this Ordinance; and

WHEREAS, the City respectfully requests emergency passage of this Ordinance at second reading so that the Bonds can be sold as soon as possible to take advantage of favorable interest rates.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Hilliard, Ohio:

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Issuance of the Bonds. It is hereby declared necessary to issue bonds (the "Bonds") of the City in the principal sum of not to exceed \$8,600,000, or such lesser amount as shall be determined by the Director of Finance and certified to this Council, for the purpose described in the title of this Ordinance. The Bonds shall be designated "City of Hilliard, Ohio Various Purpose Bonds, Series 2020," or as otherwise provided in the Certificate of Fiscal Officer defined in Section 3 hereof. The Bonds may be issued in one or more series.

Terms of the Bonds. The Bonds shall be issued as fully registered bonds in book-entry form only, in denominations of \$5,000 or any integral multiple thereof; shall be numbered consecutively from R-1 upward, as determined by the Director of Finance; shall be dated the date determined by the Director of Finance and set forth in the Certificate of Fiscal Officer provided for hereinbelow; and shall bear interest, payable semiannually on such dates as shall be determined by the Director of Finance and set forth in the Certificate of Fiscal Officer, until the principal sum is paid or provision has been duly made therefor. Interest shall be calculated on the basis of a 360-day year of twelve 30-day months.

Certificate of Fiscal Officer Relating to Terms of Bonds. The Director of Finance is hereby authorized and directed to execute of behalf of the City a Certificate of Fiscal Officer Relating to Terms of Bonds (the "Certificate of Fiscal Officer") setting forth the aggregate principal amount and the final terms of the Bonds, which aggregate principal amount and terms, subject to the limitations set forth in this Ordinance, shall be as determined by the Director of Finance. The Certificate of Fiscal Officer shall indicate the dated date for the Bonds, the dates on which interest on the Bonds is to be paid (the "Interest Payment Date"), the purchase price for the Bonds (which shall be not less than 97% of the face value thereof), the maturity schedule for the Bonds, the interest rates for the Bonds (provided that the true interest cost for all Bonds in the aggregate shall not exceed 5.00% per annum, the optional and mandatory redemption provisions, if any, and such other terms not inconsistent with this Ordinance as the Director of Finance shall deem appropriate.

Redemption Provisions of the Bonds. The Bonds shall be subject to optional and mandatory redemption prior to stated maturity, as provided in the Certificate of Fiscal Officer. If optional redemption of the Bonds at a redemption price exceeding 100% is to take place on any date on which a mandatory redemption of the Bonds of the same maturity will take place, the Bonds to be redeemed by optional redemption shall be selected by the Bond Registrar (as defined hereinbelow) prior to the selection of the Bonds to be redeemed at par on the same date.

When partial redemption is authorized, the Bond Registrar shall select Bonds or portions thereof by lot within a maturity in such manner as the Bond Registrar may determine, provided, however, that the portion of any Bond so selected will be in the amount of \$5,000 or any integral multiple thereof.

The notice of the call for redemption of Bonds shall identify (i) by designation, letters, numbers or other distinguishing marks, the Bonds or portions thereof to be redeemed, (ii) the redemption price to be paid, (iii) the date fixed for redemption, and (iv) the place or places where the amounts due upon redemption are payable. From and after the specified redemption date interest on the Bonds (or portions thereof) called for redemption shall cease to accrue. Such notice shall be sent by first class mail at least 30 days prior to the redemption date to each registered holder of Bonds to be redeemed at the address shown in the Bond Register (as defined hereinbelow) on the 15th day preceding the date of mailing. Failure to receive such notice of any defect therein shall not affect the validity of the proceedings for the redemption of any Bond.

Form and Execution of the Bonds. The Bonds shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this Ordinance; and shall be executed by the Director of Finance and the City Manager of the City (the "City Manager"), in their official capacities, provided that either or both of their signatures may be a facsimile. No Bond shall be valid or become obligatory for any purpose or shall be entitled to any security or benefit under this Ordinance unless and until a certificate of authentication, as printed on the Bond, is signed by the Bond Registrar as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Bond so authenticated has been duly issued and delivered under this Ordinance and is entitled to the security and benefit of this Ordinance. The certificate of authentication may be signed by any officer or officers of the Bond Registrar or by such other person acting as an agent of

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the Bond Registrar as shall be approved by the Director of Finance on behalf of the City. It shall not be necessary that the same authorized person sign the certificate of authentication on all of the Bonds.

Payment of the Bonds. The principal of and interest on the Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Bond Registrar as paying agent. The principal of the Bonds shall be payable upon presentation and surrender of the Bonds at the principal office of the Bond Registrar. Each Bond shall bear interest from the later of the date thereof, or the most recent Interest Payment Date to which interest has been paid or duly provided for, unless the date of authentication of any Bond is less than 15 days prior to an Interest Payment Date, in which case interest shall accrue from such Interest Payment Date. Interest on any Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond is registered, at the close of business on the 15th day next preceding that Interest Payment Date (the "Record Date") (unless such date falls on a non-business day, in which case the Record Date shall be the preceding business day), on the Bond Register at the address appearing therein.

Any interest on any Bond which is payable, but is not punctually paid or provided for, on any Interest Payment Date (herein called "Defaulted Interest") shall forthwith cease to be payable to the registered owner on the relevant Record Date by virtue of having been such owner and such Defaulted Interest shall be paid to the registered owner in whose name the Bond is registered at the close of business on a date (the "Special Record Date") to be fixed by the Bond Registrar, such Special Record Date to be not more than 15 nor less than 10 days prior to the date of proposed payment. The Bond Registrar shall cause notice of the proposed payment of such Defaulted Interest and the Special Record Date therefor to be mailed, first class postage prepaid, to each Bondholder, at such Bondholder's address as it appears in the Bond Register, not less than 10 days prior to such Special Record Date, and may, in its discretion, cause a similar notice to be published once in a newspaper in each place where Bonds are payable, but such publication shall not be a condition precedent to the establishment of such Special Record Date.

Subject to the foregoing provisions of this Section, each Bond delivered by the Bond Registrar upon transfer of or in exchange for or in lieu of any other Bond shall carry the rights to interest accrued and unpaid, and to accrue, which were carried by such other Bond.

Appointment of Bond Registrar. The Director of Finance is hereby authorized and directed to serve as authenticating agent, bond registrar, transfer agent, and paying agent for the Bonds (the "Bond Registrar") or to execute on behalf of the Council a Bond Registrar Agreement with such bank or other appropriate financial institution as shall be acceptable to the Director of Finance and the Original Purchaser, pursuant to which such bank or financial institution shall agree to serve as the Bond Registrar for the Bonds. If at any time the Bond Registrar shall be unable or unwilling to serve as such, or the Director of Finance in such officer's discretion shall determine that it would be in the best interest of the City for such functions to be performed by another party, the Director of Finance may, and is hereby authorized and directed to enter into an agreement with a national banking association or other appropriate institution experienced in providing such services, to perform the services required of the Bond Registrar hereunder. Each such successor Bond Registrar shall promptly advise all bondholders of the change in identity and new address of the Bond Registrar. So long as any of the Bonds remain outstanding, the City shall cause to be maintained and kept by the Bond Registrar, at the office of the Bond Registrar, all books and records necessary for the registration, exchange and transfer of Bonds as provided in this Section (the "Bond Register"). Subject to the provisions of hereinabove, the person in whose name any Bond shall be registered on the Bond Register shall be regarded as the absolute owner thereof for all purposes. Payment of or on account of the principal of and interest on any Bond shall be made only to or upon the order of that person. Neither the City nor the Bond Registrar shall be affected by any notice to the contrary, but the registration may be changed as herein provided. All payments shall be valid and effectual to satisfy and discharge the liability upon the Bonds, including the interest thereon, to the extent of the amount or amounts so paid.

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Any Bond, upon presentation and surrender at the office of the Bond Registrar, together with a request for exchange signed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Bond Registrar, may be exchanged for Bonds of the same form and of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

A Bond may be transferred only on the Bond Register upon presentation and surrender thereof at the office of the Bond Registrar, together with an assignment executed by the registered owner or by a person authorized by the owner to do so by a power of attorney in a form satisfactory to the Bond Registrar. Upon that transfer, the Bond Registrar shall complete, authenticate and deliver a new Bond or Bonds of any authorized denomination or denominations equal in the aggregate to the unmatured principal amount of the Bonds surrendered, and bearing interest at the same rate and maturing on the same date.

The City and the Bond Registrar shall not be required to transfer or exchange (i) any Bond during a period beginning at the opening of business 15 days before the day of mailing of a notice of redemption of Bonds, and ending at the close of business on the day of such mailing, or (ii) any Bonds selected for redemption, in whole or in part, following the date of such mailing.

In all cases in which Bonds are exchanged or transferred hereunder, the City shall cause to be executed and the Bond Registrar shall authenticate and deliver Bonds in accordance with the provisions of this Ordinance. The exchange or transfer shall be without charge to the owner; except that the City and Bond Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Bond Registrar may require that those charges, if any, be paid before it begins the procedure for the exchange or transfer of the Bonds. All Bonds issued upon any transfer or exchange shall be the valid obligations of the City, evidencing the same debt, and entitled to the same benefits under this Ordinance, as the Bonds surrendered upon that transfer or exchange.

Book-Entry System. For purposes of this Ordinance, the following terms shall have the following meanings:

"Book-entry form" or "book-entry system" means a form or system under which (i) the beneficial right to payment of principal of and interest on the Bonds may be transferred only through a book-entry and (ii) physical Bonds in fully registered form are issued only to the Depository or its nominee as registered owner, with the Bonds "immobilized" to the custody of the Depository, and the book-entry is the record that identifies the owners of beneficial interests in those Bonds.

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, together with its participants, a book-entry system to record beneficial ownership of Bonds and to effect transfers of Bonds, in book-entry form, and includes The Depository Trust Company (a limited purpose trust company), New York, New York.

All or any portion of the Bonds may be initially issued to a Depository for use in a book-entry system, and the provisions of this Section shall apply, notwithstanding any other provision of this Ordinance; (i) there shall be a single Bond of each maturity, (ii) those Bonds shall be registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (iii) the beneficial owners in book-entry form shall have no right to receive Bonds in the form of physical securities or certificates; (iv) ownership of beneficial interests in any Bonds in book-entry form shall be shown by book-entry on the system maintained and operated by the Depository, and transfers of the ownership of beneficial interests shall be made only by the Depository and by book-entry; and (v) the Bonds as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City. Bond service charges on Bonds in book-entry form registered in the name of a Depository or its nominee shall be payable in next day funds delivered to the Depository or its authorized representative (i) in the case of

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interest, on each Interest Payment Date, and (ii) in all other cases, upon presentation and surrender of Bonds as provided in this Ordinance.

The Bond Registrar may, with the approval of the City, enter into an agreement with the beneficial owner or registered owner of any Bond in the custody of a Depository providing for making all payments to that owner of principal and interest on that Bond or any portion thereof (other than any payment of the entire unpaid principal amount thereof) at a place and in a manner (including wire transfer of federal funds) other than as provided above in this Ordinance, without prior presentation or surrender of the Bond, upon any conditions which shall be satisfactory to the Bond Registrar and to the City. That payment in any event shall be made to the person who is the registered owner of that Bond on the date that principal is due, or, with respect to the payment of interest, as of the applicable date agreed upon as the case may be. The Bond Registrar shall furnish a copy of each of those agreements, certified to be correct by the Bond Registrar, to other paying agents for Bonds and to the City. Any payment of principal or interest pursuant to such an agreement shall constitute payment thereof pursuant to, and for all purposes of, this Ordinance.

If requested, the Director of Finance and the City Manager of the City are authorized and directed to execute, acknowledge and deliver, in the name of and on behalf of the City, the letter agreement among the City, the Bond Registrar and The Depository Trust Company, as depository, to be delivered in connection with the issuance of the Bonds to the Depository for use in a book-entry system in substantially the form submitted to this Council.

The City may decide to discontinue use of the book-entry system through the Depository. In that event, Bond certificates will be printed and delivered to the Depository.

If any Depository determines not to continue to act as a depository for the Bonds for use in a book-entry system, the City and the Bond Registrar may attempt to establish a securities depository/book-entry relationship with another qualified Depository under this Ordinance. If the City and the Bond Registrar do not or are unable to do so, the City and the Bond Registrar, after the Bond Registrar has made provision for notification of the beneficial owners by the then Depository, shall permit withdrawal of the Bonds from the Depository and authenticate and deliver bond certificates in fully registered form to the assigns of the Depository or its nominee, all at the cost and expense (including costs of printing definitive Bonds), if the event is not the result of action or inaction by the City or the Bond Registrar, of those persons requesting such issuance.

Debt Service Levy. There shall be and is hereby levied annually on all the taxable property in the City, in addition to all other taxes and inside the ten mill limitation, a direct tax (the "Debt Service Levy") for each year during which any of the Bonds are outstanding, for the purpose of providing, and in an amount which is sufficient to provide, funds to pay interest upon the Bonds as and when the same falls due and to provide a fund for the repayment of the principal of the Bonds at maturity or upon redemption. The Debt Service Levy shall not be less than the interest and sinking fund tax required by Article XII, Section 11 of the Ohio Constitution; provided, however, that in each year to the extent that funds are available from other sources and are lawfully appropriated for the payment of the Bonds, the amount of the Debt Service Levy shall be reduced by the amount of such funds so available and appropriated.

The Debt Service Levy shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same time that taxes for general purposes for each of such years are certified, extended and collected. The Debt Service Levy shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the Debt Service Levy shall be placed in a separate and distinct fund, which shall be irrevocably pledged for the payment of the interest and principal of the Bonds when and as the same falls due.

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Income Tax Pledge. The City hereby covenants, pursuant to Section 133.05(B)(7), Ohio Revised Code, to appropriate annually from lawfully available municipal income taxes, and to continue to levy and collect municipal income taxes adequate to produce, amounts necessary to meet the debt charges on the Bonds in each year until full payment is made.

Sale of the Bonds. The Bonds shall be sold at private sale to KeyBanc Capital Markets Inc., Columbus, Ohio (the "Original Purchaser"), at the purchase price set forth in the Certificate of Fiscal Officer, plus interest accrued to the date of delivery of the Bonds to the Original Purchaser. The Director of Finance and the City Manager of the City, or either of them individually, are authorized and directed to execute on behalf of the City a Bond Purchase Agreement with the Original Purchaser, setting forth the conditions under which the Bonds are to be sold and delivered, which Bond Purchase Agreement shall be in such form, not inconsistent with this Ordinance, as the Director of Finance shall determine.

Escrow Fund; Use of Proceeds. There is hereby created and established, as an account within the Bond Retirement Fund of the City, a trust fund to be designated "City of Hilliard – 2020 Refunding Bonds Escrow Fund" (the "Escrow Fund"), or as otherwise designated by the Director of Finance, which account may be in the custody of a bank or trust company as escrow trustee, if desired. The proceeds from the sale of the Bonds allocated to refunding the Refunded Bonds, except the accrued interest thereon, and premium thereon, if any, shall be deposited in the Escrow Fund, along with such funds, if any, as the Director of Finance may transfer from the bond retirement fund. Such moneys deposited in the Escrow Fund may be (i) held as cash or (ii) used to purchase direct obligations of or obligations guaranteed as to payment by the United States of America of such maturities and interest payment dates and bearing interest at such rates as will, as certified by such independent public accounting firm as shall be acceptable to the Director of Finance and the Original Purchaser without further investment or reinvestment of either the principal amount thereof or the interest earnings therefrom, be sufficient to pay the interest on, and the redemption price (including any redemption premium) of, the Refunded Bonds on the earliest optional redemption date for the Refunded Bonds. The Director of Finance is also authorized, if necessary or desirable to facilitate the refunding of the Refunded Bonds, to engage a consultant to verify the sufficiency of the cash or other obligations held in the Escrow Fund to refund the Refunded Bonds on such redemption date.

Any accrued interest received from the sale of the Bonds shall be transferred to the bond retirement fund to be applied to the payment of the principal of and interest on the Bonds, or other obligations of the City, as permitted by law. Any premium received from the sale of the Bonds may be used to pay the financing costs of the Bonds within the meaning of Ohio Revised Code Section 133.01(K) or be deposited into the bond retirement fund, including the Escrow Fund contained therein, in the manner provided by law.

The Director of Finance is hereby authorized to execute on behalf of the City an Escrow Agreement (the "Escrow Agreement") with a bank or trust company to be selected by the Director of Finance (the "Escrow Trustee"), setting forth the terms by which the Escrow Fund shall be held and disbursed, if the Director of Finance determines that an Escrow Agreement is necessary or beneficial to facilitate the refunding of the Refunded Bonds. Such an Escrow Agreement shall be in such form, not inconsistent with this Ordinance, as the Director of Finance shall determine.

Federal Tax Law Compliance. The City hereby covenants that it shall comply with the requirements of all existing and future laws which must be satisfied in order that interest on the Bonds is and will continue to be excluded from gross income for federal income tax purposes, including without limitation restrictions on the use of the property financed with the proceeds of the Bonds so that the Bonds will not constitute "private activity bonds" within the meaning of Section 141 of the Internal Revenue Code of 1986, as amended (the "Code"). The City further covenants that it shall restrict the use of the proceeds of the Bonds in such manner and to such extent, if any, as may be necessary, after taking into account reasonable expectations at the time the Bonds are issued, so that they will not constitute arbitrage bonds under Section 148 of the Code and the regulations prescribed thereunder (the "Regulations").

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The Director of Finance, or any other officer, including the City Manager, is hereby authorized and directed (a) to make or effect any election, selection, designation, choice, consent, approval or waiver on behalf of the City with respect to the Bonds as permitted or required to be made or given under the federal income tax laws, for the purpose of assuring, enhancing or protecting favorable tax treatment or the status of the Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing any rebate amount or any payment of penalties, or making any payments of special amounts in lieu of making computations to determine, or paying, any excess earnings as rebate, or obviating those amounts or payments, as determined by the Director of Finance, which action shall be in writing and signed by the Director of Finance, or any other officer, including the City Manager, on behalf of the City; (b) to take any and all actions, make or obtain calculations, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Bonds; and (c) to give an appropriate certificate on behalf of the City, for inclusion in the transcript of proceedings, setting forth the facts, estimates and circumstances, and reasonable expectations of the City pertaining to Section 148 and the Regulations, and the representations, warranties and covenants of the City regarding compliance by the City with Sections 141 through 150 of the Code and the Regulations.

The Director of Finance shall keep and maintain adequate records pertaining to investment of all proceeds of the Bonds sufficient to permit, to the maximum extent possible and presently foreseeable, the City to comply with any federal law or regulation now or hereafter having applicability to the Bonds which limits the amount of bond proceeds which may be invested on an unrestricted yield or requires the City to rebate arbitrage profits to the United States Department of the Treasury. The Director of Finance is hereby authorized and directed to file such reports with, and rebate arbitrage profits to, the United States Department of the Treasury, to the extent that any federal law or regulation having applicability to the Bonds requires any such reports or rebates.

Municipal Bond Insurance. The Director of Finance, or any other officer, including the City Manager, is authorized to make appropriate arrangements, if such officer deems it in the best interest of the City, for the issuance of a municipal bond insurance policy with respect to all or any portion of the Bonds, including executing and delivering a commitment therefor and certificates and other documents in connection therewith. All additional provisions required to be authorized by this Council for the issuance of a municipal bond insurance policy shall be contained in the Certificate of Fiscal Officer.

Official Statement. The distribution of an Official Statement of the City, in preliminary and final form, relating to the original issuance of the Bonds is hereby authorized, and the City Manager and the Director of Finance are hereby authorized and directed to negotiate, prepare and execute, on behalf of the City and in their official capacity, the Official Statement and any supplements thereto as so executed in connection with the original issuance of the Bonds, and they are authorized and directed to advise the Original Purchaser in writing regarding limitations on the use of the Official Statement and any supplements thereto for purposes of marketing or reoffering the Bonds as they deem necessary or appropriate to protect the interests of the City. The City Manager, Director of Finance and the Director of Law, are each authorized to execute and deliver, on behalf of the City and in their official capacities, such certificates in connection with the accuracy of the Official Statement, in either preliminary or final form, and any supplements thereto as may, in their judgment, be necessary or appropriate.

Obtaining of Rating for the Bonds. The obtaining or updating of a rating or ratings on the Bonds and the City is hereby authorized if the Director of Finance determines that it is necessary or advisable in connection with the original issuance of the Bonds. If the Director of Finance so determines, then the Director of Finance and this Council are hereby authorized and directed to take all steps necessary to obtain such rating or ratings.

Transcript of Proceedings; Execution of Additional Documents. The officer having charge of the minutes of the Council and any other officers of the Council, or any of them individually, are hereby authorized and directed to prepare and certify a true transcript of proceedings pertaining to the Bonds and to furnish a copy of such transcript to the Original Purchaser. Such transcript shall include certified copies of all proceedings and records of the Council relating to the power and authority of the

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City to issue the Bonds and certificates as to matters within their knowledge or as shown by the books and records under their custody and control, including but not limited to a general certificate of the Clerk of Council and a no-litigation certificate of the City Manager and the Director of Finance, and such certified copies and certificates shall be deemed representations of the City as to the facts stated therein.

The Director of Finance is hereby authorized and directed to take such action and to execute and deliver, on behalf of this Council, such additional instruments, agreements, certificates, and other documents as may be in his discretion necessary or appropriate in order to carry out the intent of this Ordinance. Such documents shall be in the form not substantially inconsistent with the terms of this Ordinance, as he in his discretion shall deem necessary or appropriate.

Appointment of Bond Counsel. The Council hereby approves the appointment of the law firm of Bricker & Eckler LLP to serve as bond counsel to the City with respect to the issuance of the Bonds. The fees to be paid to such firm shall be subject to review and approval by the Finance Director and shall not exceed the fees customarily charged for such services.

Satisfaction of Conditions for Bond Issuance. It is hereby found and determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Bonds in order to make them legal, valid and binding obligations of the City have happened, been done and been performed in regular and due form as required by law; that the faith, credit and revenue of the City are hereby irrevocably pledged for the prompt payment of the principal and interest thereof at maturity; and that no limitation of indebtedness or taxation, either statutory or constitutional, has been exceeded in issuing the Bonds.

Compliance with Open Meeting Requirements. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Filing of Bond Ordinance. The City Clerk is hereby directed to forward a certified copy of this Ordinance to the County Auditor of Franklin County, Ohio.

RESOLUTIONS

The following resolutions were passed by Hilliard City Council on September 14, 2020.

20-R-61 AUTHORIZING A PORTION OF THE CORONAVIRUS RELIEF FUNDS TO BE USED TO PROVIDE ECONOMIC SUPPORT TO LOCAL BUSINESS IMPACTED BY COVID-19.

WHEREAS, the Coronavirus Aid, Relief, and Economic Security Act, 116 Public Law 136, ("CARES Act") was signed into law by the President of the United States on March 27, 2020; and

WHEREAS, the Ohio General Assembly established a process for distributing funds provided by the CARES Act ("CARES Funds") in House Bill 481 of the 133rd General Assembly (H.B. 481); and

WHEREAS, pursuant to the CARES act and H.B. 481, the City is permitted to use a portion of the CARES Funds to provide economic support to local businesses suffering from business interruptions due to COVID-19 related closures; and

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20-R-61 (continued):

WHEREAS, Hilliard City Council believes that providing a portion of the CARES Funds to local businesses is in the best interest of the public health, safety, and welfare of the City of Hilliard.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hilliard, Ohio that:

SECTION 1. Hilliard City Council authorizes the issuance of grants from the CARES Funds received by the City to local businesses directly impacted by COVID-19. The total amount of CARES Funds issued shall not exceed One Hundred Thousand Dollars (\$100,000).

SECTION 2. Hilliard City Council authorizes the Hilliard Development Corporation to create a grant program for local businesses and to receive grant applications from local businesses.

SECTION 3. The City is authorized to disburse CARES Funds in an amount not to exceed One Hundred Thousand Dollars (\$100,000) to the Hilliard Development Corporation in order to administer the grant program.

SECTION 4. Any grants received by local businesses shall be used only for permitted purposes as set forth in the CARES Act and H.B. 481 and be subject to audit and oversight by the Ohio Office of Budget and Management.

SECTION 5. This Resolution shall be effective upon its adoption.

20-R-62 AUTHORIZING THE CITY MANAGER TO ENTER INTO AGREEMENTS WITH PROPERTY OWNERS FOR RIGHT-OF-WAY AND EASEMENTS NEEDED FOR THE CONSTRUCTION OF CAPITAL IMPROVEMENT PROJECT (CIP) T-84 COSGRAY ROAD IMPROVEMENTS AND AUTHORIZING AN EXPENDITURE OF FUNDS.

WHEREAS, on November 27, 2017, City Council adopted Resolution No. 17-R-95, authorizing the Director of Public Service to enter into a Professional Services Agreement with Arcadis US, Inc. to provide professional engineering services for the Cosgray Road Improvements (CIP T-84); and

WHEREAS, a public meeting was held on September 13, 2018, to provide information to the public on project alternatives, obtain public comment on the alternatives, and to assist in prioritizing improvements along the corridor; and

WHEREAS, the selected alternative included completion of a shared-use path along the corridor and a series of roundabouts at key intersections, which could be phased according to need and budget; and

WHEREAS, the Priority 1 improvements along the Cosgray Road corridor include a roundabout at the intersection of Cosgray Road and Woodsvie Way, the extension of the shared-use path on the west side of Cosgray Road between Woodsvie Way and Scioto Darby Road, and an enhanced pedestrian crossing north of Parkmeadow Drive (hereinafter "the Project"); and

WHEREAS, the purpose of the Project is to improve pedestrian and bicycle mobility and safety along the corridor and to improve vehicular capacity and safety at the Cosgray Road/Woodsvie Way intersection; and

WHEREAS, the Professional Services Agreement with Arcadis was extended in 2019 and 2020 to conduct detailed design and professional right-of-way acquisition services related to the Project; and

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RESOLUTIONS

20-R-62 (continued):

WHEREAS, prior to the construction of the Project, it is necessary to acquire right-of-way and permanent and temporary easements (hereinafter referred to as “real property”); and

WHEREAS, by the passage of Ordinance No. 19-32 on December 9, 2019, funds for the Project in the amount of \$750,000 were appropriated for the Project in the 2020 Capital Improvement Budget; and

WHEREAS, a maximum of \$275,000 of the funds allocated in the 2020 Capital Improvement Budget for the Project are estimated to be needed for the acquisition of right-of-way and easements.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hilliard, Ohio, that:

SECTION 1. The City Manager is authorized to complete the acquisition of real property required to construct the Project, conduct associated appraisal review services, enter into agreements with property owners, and pay for the same.

SECTION 2. Expenditures are authorized from Fund 304, Object 55 to fund right-of-way acquisition activities in an amount not to exceed \$275,000 in 2020.

SECTION 3. Expenditures are authorized from Fund 304, Object 55 to fund right-of-way acquisition activities in 2021, subject to appropriation of funds in the 2021 Capital Improvement Budget.

SECTION 4. The City Manager, Director of Finance, and Director of Law are authorized to do all acts and sign all documents or instruments necessary to record the above properties as public rights-of-way and pay all costs associated with such actions.

SECTION 5. This Resolution is effective upon its adoption.

20-R-63 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT TO PROVIDE FOR AN UPGRADE TO THE CITY’S FINANCE SOFTWARE AND SUPPORT SERVICES AND AUTHORIZING AN EXPENDITURE.

WHEREAS, the City Manager has determined that an upgrade of the City’s financial software is needed in order to address deficiencies in the current financial software’s operating environment and user functionality (the “Software”); and

WHEREAS, the Software will allow customizable user interface, streamline the workflow for everyday tasks, and provide necessary financial audit reports; and

WHEREAS, by the passage of Ordinance No. 20-03 by City Council, funding for the Software was appropriated by Council, and pursuant to Section 3.10 of the City’s Charter, authorization to expend the Funds may be established by Resolution of Council.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hilliard, Ohio, that:

SECTION 1. An expenditure is authorized in an amount not to exceed \$135,164 from Fund 304, Object 55 to fund the purchase of the Finance Software and Support Services.

SECTION 2. The City Manager is authorized to enter into an Agreement, **attached** hereto as Exhibit “A” and incorporated herein, for the Software with Civica North America, Inc.

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RESOLUTIONS

20-R-63 (continued):

SECTION 3. The City Manager and Director of Law are authorized to sign and execute any and all documents or agreements necessary to effectuate the purchase of the Software.

SECTION 4. The Director of Finance is authorized to make any accounting changes to revise the funding source for any contract or contract modification associated with expenditure of the funds.

SECTION 5. This Resolution is effective upon its adoption.

20-R-64 ADOPTING STRATEGIC FOCUS AREAS AND GOAL STATEMENTS FOR 2021-2022.

WHEREAS, City Council held a visioning retreat in July 2020 to discuss and establish focus areas and priorities for 2021-2022; and

WHEREAS, a retreat report was prepared, and draft strategic focus areas and goal statements were presented to City Council on August 24, 2020; and

WHEREAS, City Council desires to adopt the strategic focus areas and goal statements, as shown on Exhibit "A" and attached hereto, so that the Administration can begin to prepare actions plans with timelines and budgetary considerations for each.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hilliard, Ohio, that:

SECTION 1. City Council hereby adopts the Strategic Focus Areas and Goal Statements for 2021-2022, as shown on Exhibit "A", attached hereto and incorporated herein.

SECTION 2. City Council directs the City Manager to prepare actions plans related to each focus area and goal statement.

SECTION 3. This Resolution is effective upon its adoption.

20-R-65 AMENDING SECTION 127.04 OF THE CODIFIED ORDINANCES OF THE CITY OF HILLIARD, OHIO.

WHEREAS, Section 127.04 of the Codified Ordinances of the City of Hilliard provides for the establishment of full-time, part-time and seasonal positions within the City along with the pay grades for those positions; and

WHEREAS, the City Manager has determined it is necessary to add back to the authorized strength a part-time Chief Building Official; and

WHEREAS, it is to the interest and benefit to the City of Hilliard and the public at large that the authorized strength changes be approved.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hilliard, Ohio, that:

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RESOLUTIONS

20-R-65 (continued):

SECTION 1. The following subsections of Section 127.04 of the Codified Ordinances of the City of Hilliard, Ohio, as amended shall read as follows, with insertions identified in blue and deletions stricken in red:

(a) Council shall adopt and review annually the maximum authorized strength of the City and a salary classification with compensation range for each authorized position.

(b) The pay for each employee or director, not otherwise covered by an employee bargaining agreement shall be set by the City Manager in a letter to the Finance Director in an amount not less than the minimum nor more than the maximum for the pay classification established by Council for that employee or director's job classification. Any adjustment of salary within the salary range established by Council shall be at the sole discretion of the City Manager and the availability of appropriated funds. The City Manager is further authorized to approve an annual raise outside the salary range established by Council, providing the increase in compensation does not exceed 3% per year per annum.

(c) The following full-time personnel are authorized for each office/department:

Department of Safety

Title	Authorized Number	Grade
Police Chief	1	*
Deputy Police Chief	1	*
Police Officers, including Lieutenants, sergeants, and officers as determined by the City Manager, but in no event more than 3 lieutenants and 10 sergeants,	64	per contract
Police Support Service Clerk	7	per contract
Police Support Service Supervisor	1	6
Property and Evidence Custodian	1	4
Office Manager	1	5
Public Relations Specialist	1	4
Professional Standards Coordinator	1	6
Training Coordinator	1	4

* The pay ranges for the positions of Deputy Chief and Chief shall be set in accordance with the base wages paid to a "Step 2" Lieutenant in any given year, and shall be established at a minimum of 3% higher than the base wages of a "Step 2" Lieutenant; provided, that the Chief shall be paid at a higher rate than the Deputy Chief.

Department of Recreation and Parks

Title	Authorized Number	Grade
Director of Recreation and Parks	1	10
Deputy Director of Recreation and Parks	1	8
Recreation Program Manager	2	6
Recreation Supervisor	6	5
Recreation Aide	23	2
Maintenance Technician	6	per contract
Maintenance Crew Leader	1	5

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20-R-65 (continued):

Community Development Department

Title	Authorized Number	Grade
Community Development Director	1	10
City Engineer	1	9
Office Manager	1	5
Administrative Assistant	3	2
Planning Director	1	9
Deputy Planning Director	1	6
Transportation/Mobility Director	1	9
Staff Engineer (Transportation)	1	7
Building Standards Director/CBO	1	9
Deputy-Building Standards Director	1	6
Zoning/Code Enforcement Officer	1	5
City Inspector	4	4 thru 6
Planning Technician	1	4 thru 6
City Arborist/Forester	1	6

Department of Public Service

Title	Authorized Number	Grade
Operations Director	1	9
Operations Supervisor	1	6
Maintenance Crew Leader	3	5
Maintenance Technician	22	per contract
Custodian	3	per contract
Facilities Manager	1	7

City Council

Title	Authorized Number	Grade
City Manager	1	per contract
Clerk of Council	1	8

Department of Law

Title	Authorized Number	Grade
Director of Law	1	10
Assistant Director of Law	1	8
Staff Attorney	2	7
Clerk of Court	1	6
Deputy Clerk of Court	2	4

Department of Law-Office of the City Clerk

Title	Authorized Number	Grade
City Clerk	1	5

Department of Finance

Title	Authorized Number	Grade
Director of Finance	1	10

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RESOLUTIONS

20-R-65 (continued):

Deputy Finance Director	1	8
Fiscal Officer	1	6
Finance Assistant	3	4
Payroll Specialist	1	4

Department. of Community Relations	Authorized Number	Grade
Title		
Director of Community Relations	1	10
Community Relations Administrator	1	6
Web Content and Graphic Design Specialist	1	4

Dept. of Information Technology	Authorized Number	Grade
Title		
Director of IT	1	10
IT Administrator	1	9
IT Support Analyst	2	6
GIS/Asset Management Analyst	2	4 thru 6

Department of Economic Development	Authorized Number	Grade
Title		
Director of Economic Development	1	10
Economic Development Administrator	1	6

Department of Human Resources	Authorized Number	Grade
Title		
Director of Human Resources	1	10
Human Resources Specialist	1	4

(d) The following part-time personnel are authorized for each office/department:

Department of Public Service	Authorized Number	Grade
Chief Building Official	1	P5
Administrative Assistant	1	P4

Department of Safety	Authorized Number	Grade
Title		
Court Liaison	2	P4

City Council	Authorized Number	Grade
Title		
Council Assistant	1	P3

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RESOLUTIONS

20-R-65 (continued):

Department of Law--Office of the Clerk of Courts

Title	Authorized Number	Grade
Magistrate	1	per contract
Deputy Clerk of Courts	1	P4

Department of Finance

Title	Authorized Number	Grade
Administrative Assistant	1	P4

Department of Human Resources

Title	Authorized Number	Grade
Director of Human Resources	1	P5
Human Resources Generalist	2	P4

Department of Recreation and Parks

	Authorized Part Time Equivalent	Grade
Intern	1 Part Time Equivalent	P3 or P4
Recreation Aides	20 Part Time Equivalent	P2 or P3

(28 hours(per part time equivalent)*52 weeks = 30,576 Hours)

(e) The following seasonal personnel are authorized for each office/department:

Department of Recreation and Parks

Title	Authorized Full Time Equivalent	Grade
Seasonal Lifeguard/Recreation Aides	171 full-time equivalent	S1

-(40 hours(per full time equivalent)*28 weeks = 191,520 Hours)

Department of Public Service--Streets

Title	Authorized Full Time Equivalent	Grade
Seasonal Worker	10 full-time equivalent	S1

(40 hours(per full time equivalent)*28 weeks = 11,200 Hours)

The Recreation and Parks Director shall determine the specific rate of pay for seasonal employees based on the individual's experience, qualifications and the department's needs.

(f) The following annual pay grades are authorized for full time City employees:

Grade	Minimum	Maximum
1	24,271	46,302
2	27,911	54,792
3	33,979	66,369
4	38,834	72,541
5	42,475	81,030
6	48,542	92,605
7	51,576	100,323
8	72,813	123,473
9	78,881	131,191
10	81,308	141,996

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20-R-65 (continued):

(g) The following hourly rates of pay are authorized for part-time City employees:

Grade	Minimum *	Maximum
P1	\$8.70	\$12.35
P2	\$8.70	\$14.66
P3	\$10.50	\$19.31
P4	\$15.00	\$37.08
P5	\$38.00	\$65.21
S1	\$8.70	\$20.04

*The federal FLSA laws (29 CFR parts 510-794) specifically state that local governments are covered by the federal minimum wage, and if the local government is in a state that also has a state minimum wage law, the higher of the two applies. Ohio has a minimum wage law and Ohio's minimum wage (\$8.70 in 2021⁹) is higher than the federal minimum wage and will apply.

The City Manager as appointing authority may designate any authorized positions listed in Section 127.04(c) as part time. Any position so designated will be paid an hourly rate within the listed pay grade as determined by the City Manager and will not count against the number of full-time positions.

SECTION 2. All other provisions of the Codified Ordinances, not modified herein, remain unchanged and are in full force and effect.

SECTION 3. This Resolution is effective upon its adoption.

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RESOLUTIONS

20-R-66 AUTHORIZING A REVISION TO THE PERSONNEL COSTS DUE TO CHANGES IN THE CITY'S AUTHORIZED STRENGTH AND ORGANIZATIONAL STRUCTURE.

WHEREAS, on August 24, 2020, City Council adopted Resolution No. 20-R-54 amending the City's Authorized Strength and Organizational Structure; and

WHEREAS, due to these changes, it is necessary to revise the personnel costs within the City's General Fund, as shown below:

Department	Title	Fund #	Department #	Object #	Increase	Decrease
HR	Payroll Specialist	101	708	51		(19,747.61)
Finance	Payroll Specialist	101	705	51	19,747.61	
Rec & Parks	Recreational Aide	101	306	51		(24,579.53)
Economic Development	Economic Development Administrator	101	706	51	24,579.53	
Engineering	Engineering Associate	101	408	51		(52,954.02)
IT	GIS/Asset Management Analysts	101	711	51	52,954.02	
Engineering	Deputy City Engineer	101	408	51		(24,219.85)
Transportation & Mobility	Transportation/Mobility Director	101	407	51	24,219.85	
Planning & Building	Staff	101	409	51		(102,821.02)
	City Planner					
	City Inspector					
	Planning Technician					
	Zoning Enforcement Officer					
Planning	Staff	101	410	51	102,821.02	
	Planning Director					
	City Inspector					
	Planning Technician					
	Zoning Enforcement Officer					

WHEREAS, the revisions do not change the appropriations as approved in the City's Operating Budget; and

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RESOLUTIONS

20-R-66 (continued):

WHEREAS, the City Manager believes that these revisions are in the City's best interest.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Hilliard, Ohio that:

SECTION 1. Pursuant to Section 6.10 of the Charter of the City of Hilliard, the City's General Fund, Object 51, Personnel Costs are revised according to the table below.

Department	Title	Fund #	Department #	Object #	Increase	Decrease
HR	Payroll Specialist	101	708	51		(19,747.61)
Finance	Payroll Specialist	101	705	51	19,747.61	
Rec & Parks	Recreational Aide	101	306	51		(24,579.53)
Economic Development	Economic Development Administrator	101	706	51	24,579.53	
Engineering	Engineering Associate	101	408	51		(52,954.02)
IT	GIS/Asset Management Analysts	101	711	51	52,954.02	
Engineering	Deputy City Engineer	101	408	51		(24,219.85)
Transportation & Mobility	Transportation/Mobility Director	101	407	51	24,219.85	
Planning & Building	Staff	101	409	51		(102,821.02)
	City Planner					
	City Inspector					
	Planning Technician					
	Zoning Enforcement Officer					
Planning	Staff	101	410	51	102,821.02	
	Planning Director					
	City Inspector					
	Planning Technician					
	Zoning Enforcement Officer					

SECTION 2. The Finance Director is hereby authorized and directed to move the following amounts to the provided department number:

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RESOLUTIONS

20-R-66 (continued):

Department	Title	Fund #	Department #	Object #	Increase	Decrease
HR	Payroll Specialist	101	708	51		(19,747.61)
Finance	Payroll Specialist	101	705	51	19,747.61	
Rec & Parks	Recreational Aide	101	306	51		(24,579.53)
Economic Development	Economic Development Administrator	101	706	51	24,579.53	
Engineering	Engineering Associate	101	408	51		(52,954.02)
IT	GIS/Asset Management Analysts	101	711	51	52,954.02	
Engineering	Deputy City Engineer	101	408	51		(24,219.85)
Transportation & Mobility	Transportation/Mobility Director	101	407	51	24,219.85	
Planning & Building	Staff	101	409	51		(102,821.02)
	City Planner					
	City Inspector					
	Planning Technician					
	Zoning Enforcement Officer					
Planning	Staff	101	410	51	102,821.02	
	Planning Director					
	City Inspector					
	Planning Technician					
	Zoning Enforcement Officer					

SECTION 3. This Resolution is effective October 1, 2020.